

NOTICE CONCERNING PROPOSED REVISION OF CIVIL LOCAL RULE 7-3

The United States District Court for the Northern District of California has approved for public comment a revision of Civil Local Rule 7-3.

The proposed revision to Civil Local Rule 7-3 will provide that any objections to evidence that is submitted with a motion, such as a motion for summary judgment, must be contained within the opposition brief. Similarly, any objections to evidence submitted with an opposition to a motion must be contained within the reply brief. Generally, new evidence should not be submitted in the reply brief, so further objections should not be necessary, but in the event that new evidence is submitted with the reply, the opposing party may file an objection meeting the requirements in the proposed revised rule.

This revised rule will alleviate confusion that currently exists as to when to file objections to evidence submitted in connection with motions. It will also streamline the briefing process so that all of the necessary information will be consolidated, rather than submitted in separate motions to strike or objection briefs. If additional pages are needed, the filer may move for permission to file an over-sized brief.

A copy of the proposed revision appears below.

All comments and suggestions regarding the content of the revised rule should be sent as soon as convenient and, in any event, no later than June 21, 2010 to the following e-mail address:

Evidence@cand.uscourts.gov

Proposed Revision of Civil L.R. 7-3

7-3. Opposition; Reply; Supplementary Material

(a) Opposition. Any opposition to a motion must be served and filed not less than 21 days before the hearing date. The opposition may include a proposed order, affidavits or declarations, as well as a brief or memorandum under Civil L.R. 7-4. Any evidentiary and procedural objections to the motion must be contained within the brief or memorandum. Pursuant to Civil L.R. 7-4(b), such briefs or memoranda may not exceed 25 pages of text.

(b) [no change]

(c) Reply. Any reply to an opposition must be served and filed by the moving party not less than 14 days before the hearing date. The reply may include affidavits or declarations, as well as a supplemental brief or memorandum under Civil L.R. 7-4. Any evidentiary and procedural objections to the opposition must be contained within the reply brief or memorandum. Pursuant to Civil L.R. 7-4(b), the reply brief or memorandum may not exceed 15 pages of text.

(d) Supplementary Material. Once a reply is filed, no additional memoranda, papers or letters may be filed without prior Court approval, except as follows:

(1) If new evidence has been submitted in the reply, the opposing party may file within 7 days an Objection to Reply Evidence, which may not exceed 5 pages of text, stating its objections to the new evidence, which may not include further argument on the motion.

(2) Before the noticed hearing date, counsel may bring to the Court's attention a relevant judicial opinion published after the date the opposition or reply was filed by serving and filing a Statement of Recent Decision, containing a citation to and providing a copy of the new opinion—without argument.